

REMARKS

Applicants respectfully request reconsideration of this application, and reconsideration of the Office Action dated July 5, 2005. Claims 9-18, 21, 24 and 25 remain pending in this application. Claims 22 and 23 are canceled by this Amendment. Applicants again gratefully acknowledge the Examiner's express indication that claims 9-17, 21, 24, and 25 are allowed. The change to claim 18 is fully supported by the specification and original claims. No new matter is introduced as a result of this Amendment.

As an initial matter, Applicants respectfully submit the Office Action dated July 5, 2005 improperly was made final, and therefore its finality should be withdrawn. As explained in the Letter to the Examiner filed June 16, 2005, Applicants filed an Amendment Under 37 C.F.R. § 1.116 on April 13, 2005. In response to that Amendment, an Advisory Action dated April 25, 2005 was issued. The Advisory Action failed to indicate whether the April 13th Amendment would be entered. Instead, it erroneously indicated that a "Request for Reconsideration" had been considered. Applicants' undersigned representative spoke with Examiner Perrin by telephone and was informed that the April 13th Amendment had not been entered. Hence, Applicants, in response, filed an RCE expressly to request that the unentered April 13th Amendment be entered and be considered. Then the Office Action dated July 5, 2005 was issued in the response to the RCE and was made final. This is contrary to the MPEP which precludes making an Office Action final in response to an RCE, when the RCE requests entry of an Amendment that was not entered after prior final Office Action. See MPEP 706.07(b). Thus, according to the MPEP, the Office Action dated July 5, 2005 improperly was made final. In view of the above, Applicants respectfully request the finality of the Office Action dated July 5, 2005 be withdrawn and that the present Amendment be entered and fully considered.

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The sole outstanding rejection is of claims 18, 22, and 23 under 35 U.S.C. §102(b) as purportedly anticipated by Thompson et al. (U.S. Pat. No. 5,224,503). The Office Action maintains that Thompson teaches each feature of the listed claims. Applicants point out claims 22 and 23 are canceled. With respect to claim 18, Applicants again respectfully traverse.

The present invention is related to "a liquid processing apparatus for processing wafers." Accordingly, claim 18 recites that the liquid processing apparatus is for processing wafers and that the nozzle arranged on the circumferential inner surface supplies the wafers with a processing liquid and carries out a process for processing (such as cleaning) the wafers. In contrast, Thompson's apparatus is "a centrifugal wafer carrier cleaning apparatus." The two apparatuses are different; they differ structurally.

To better describe the structural differences, claim 18 has been amended to recite that the ejecting orifice is "positioned outside the axis of the rotating shaft." For example, in Applicants' preferred embodiments, ejecting orifices or nozzles 74a and 74b respectively clean plates 70a and 70b. See the paragraph bridging pages 11 and 12 of Applicants' specification, and Figure 4. Note that orifices (nozzles) 74a and 74b are offset radially outwardly from the axis of rotating shaft 23a.

With respect to claim 18, the July 5, 2005 Office Action is understood to associate Thompson's top port 65 with the "ejecting orifices formed on the side inner surface of the processing container . . . so as to clean the surfaces of the circular plates." Applicants do not disagree with this association. However, in contrast to Applicants' offset positioning requirement for the orifices, in Thompson's apparatus, the top port 65 is located directly above the rotor housing 140 (the rotating shaft). See Thompson's Fig. 7. There is no teaching or suggestion of positioning outside the axis of the rotating shaft, to those of ordinary skill in the art. Therefore,

Thompson fails to teach or fairly describe the ejecting orifice arrangement of claim 18, outside the axis of the rotating shaft, and therefore Thompson cannot anticipate the claimed invention.

In view of the above remarks, Applicants submit this rejection is overcome and request it be withdrawn.

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Applicants respectfully submit that this Amendment and the above remarks obviate the outstanding rejection in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If any fees are due in connection with the filing of this Amendment, such as fees under 37 C.F.R. §§1.16 or 1.17, please charge the fees to Deposit Account 02-4300; Order No. 033082.072.

Respectfully submitted,

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